

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

The Board of Regents of the University
of Houston System on behalf of the
University of Houston System and
its Member Institutions;

The University of Houston System; and
The Board of Regents of the University
of Houston System,

Plaintiffs,

v.

South Texas College of Law,

Defendant.

Civil Action No. 4: 16-cv-01839

JURY

EXHIBIT A

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**DECLARATION OF BRUCE J CANNON
IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION
FOR INTERIM INJUNCTIVE RELIEF**

I, Bruce J. Cannon, submit this declaration pursuant to 28 U.S.C. § 1746 in support of Plaintiffs' Emergency Motion for Interim Injunctive Relief.

1. I am over the age of 18 and am otherwise competent to make this declaration. All statements of fact are true and all statements of opinions are believed to be true. I am an attorney with Sutton McAughan Deaver PLLC and my Southern District ID is 675598.

2. Exhibit C is a true and correct copy of *Flowserve Corp. v. Hallmark Pump Co.*, 2011 WL 1527951 (S.D. Tex. Apr. 20, 2011).

3. Exhibit D is a true and correct copy of an article from Houston Public Media dated June 23, 2016, entitled "South Texas College of Law Has New Name: Houston College of Law." The article reports that South Texas College of Law conducted market research and found

that “South Texas College of Law had 2-percent name recognition nationally.” This article is currently available at

<https://www.houstonpublicmedia.org/articles/news/2016/06/23/158019/south-texas-college-of-law-has-new-name-houston-college-of-law/>

4. Exhibit E are a true and correct copies of (a) a “Campus Map” found at the Southwest Texas College of Law (“STCL”) website at <http://www.stcl.edu/campus-map.pdf> and (b) an annotated screen shot of a Google Maps map of downtown Houston highlighting San Jacinto Street and the location of two relevant buildings.

5. Exhibit F is a true and correct copy of a Houston Chronicle Editorial (with comments), dated June 24, 2016, titled “Editorial: What’s in a Name?” and currently available at the following web link: <http://www.houstonchronicle.com/opinion/editorials/article/Editorial-What-s-in-a-name-8324140.php>

6. Exhibit G is a true and correct copy of a June 28, 2016 Press Release by South Texas College of Law titled “Houston College of Law Stands Behind Name Change; Is Prepared to Defend Decision in Court.” The Press Release may be found at the following web link: <http://www.stcl.edu/hottopics/houston-college-of-law-stands-behind-name-change.html>

7. Exhibit H is a true and correct copy of various screenshots from the Internet Archive Wayback Machine website (archive.org) showing color changes to South Texas College of Law’s website over time.

8. Exhibit I are a true and correct copies of two Wikipedia website showing revisions to the Houston College of Law Wikipedia page (a) as of 17:18 on June 22, 2016 and (b) as of 15:09 on June 28, 2016.

9. Exhibit J are a true and correct copies of (a) a screenshot of an email from South Texas College of Law (stclalumni@stcl.edu), dated July 6, 2016, with the subject line “Houston College of Law on Tour” announcing Dean Donald Guter’s “tours” in Texas and Florida and (b) a screenshot of a website announcing “Houston College of Law Tour” in Texas and Florida, which may be found at <http://my.hcl.edu/s/1577/01-alumni/2col.aspx?sid=1577&gid=1&pgid=1050>.

10. Exhibit K are a true and correct copies of (a) a screenshot of the ICANN WHOIS record for South Texas College of Law’s registration of www.hcl.edu and (b) a screenshot of the ICANN WHOIS record for South Texas College of Law’s registration of www.houstoncollegeoflaw.com

11. Exhibit L is a true and correct copy of a South Texas College of Law announcement, dated June 22, 2016, concerning South Texas College of Law’s diplomas on South Texas College of Law’s Facebook page.

12. Exhibit M is a true and correct copy of a Secretary of State “Certificate of Amendment” record, dated July 1, 2016, amending the legal name of South Texas College of Law to Houston College of Law, Inc.

13. Exhibit N is a true and correct copy of the cover page and page 1632 of The AALS Directory of Law Teachers, 2014-2105.

14. Exhibit O is a true and correct copy of a desktop screenshot, from Alison Reagan’s desktop, an employee of UH, of the Sunbelt Minority Recruitment Fair Career Services Management System website, dated June 27, 2016 as received from Alison Reagan.

15. Exhibit P are a true and correct copies of three annotated Google searches for (a) “Houston College of Law” using the Google images search, (b) “houston college of law

facebook” using a regular Google web search and (c) “Houston College of Law” using a regular Google web search.

16. Exhibit Q is a true and correct copy of the Tax Prof Blog (www.taxprof.typepad.com) article entitled “University Of Houston Files Trademark Infringement Lawsuit Against South Texas's Rebranding Itself Houston College Of Law” and dated June 27, 2016. The article may be found at: http://taxprof.typepad.com/taxprof_blog/2016/06/university-of-houston-files-trademark-infringement-lawsuit-against-south-texas-rebranding-itself-ho.html

17. Exhibit R is a true and correct copy of *Am. Waltham Watch Co. v. U.S. Watch Co.*, 173 Mass. 85 (1899).

18. Exhibit S is a true and correct copy of an Annotated Trademark Snap Shot Publication and Issue Review Sheet for UH’s HOUSTON federal trademark registration, from the United States Patent and Trademark Office website.

19. Exhibit T is a true and correct copy of 5 *McCarthy on Trademarks and Unfair Competition* § 30:47.70 (4th ed., June 2016 Update).

* * *

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2016, in Houston, Texas.

s/ Bruce J. Cannon
Bruce J. Cannon